

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

COURTHOUSE NEWS SERVICE; VERMONT)
PRESS ASSOCIATION, INC.; NEW ENGLAND)
FIRST AMENDMENT COALITION; GRAY)
MEDIA GROUP, INC. d/b/a WCAX-TV;)
GANNETT VERMONT PUBLISHING, INC.)
d/b/a *Burlington Free Press*; SAMPLE NEWS)
GROUP, LLC d/b/a *Barre-Montpelier Times*)
Argus and *Rutland Herald*; *VT Digger*, a project of)
the VERMONT JOURNALISM TRUST, LTD.;)
VERMONT COMMUNITY NEWSPAPER)
GROUP, LLC d/b/a *Stowe Reporter, News &*) Case No. 21-cv-00132-cr
Citizen, South Burlington Other Paper, Shelburne)
News, and *The Citizen*; and DA CAPO)
PUBLISHING, INC. d/b/a *Seven Days*,)

Plaintiffs)

v.)

PATRICIA GABEL, in her official capacity as the)
State Court Administrator of the Supreme Court of)
the State of Vermont; AMANDA STITES, in her)
official capacity as Clerk of Court for Addison,)
Bennington, and Rutland Counties; MARGARET)
VILLENEUVE, in her official capacity as Clerk of)
Court for Caledonia, Essex, Orleans, and)
Washington Counties; CHRISTINE BROCK, in)
her official capacity as Clerk of Court for)
Chittenden County; GAYE PAQUETTE, in her)
official capacity as Clerk of Court for Franklin,)
Grand Isle, and Lamoille Counties; and ANNE)
DAMONE, in her official capacity as Clerk of)
Court for Orange, Windham, and Windsor)
Counties,)

Defendants)

JOINT STATUS REPORT AND MOTION FOR FURTHER STAY

COME NOW Plaintiffs Courthouse News Service (“Courthouse News”); Vermont Press
Association, Inc.; New England First Amendment Coalition; Gray Media Group, Inc. D/B/A

Wcax-TV; Gannett Vermont Publishing, Inc. D/B/A *Burlington Free Press*; Sample News Group, LLC D/B/A *Barre-Montpelier Times Argus And Rutland Herald*; *Vtdigger*, A Project Of The Vermont Journalism Trust, Ltd.; Vermont Community Newspaper Group, LLC D/B/A *Stowe Reporter, News & Citizen, South Burlington Other Paper, Shelburne News*, and *The Citizen*; and Da Capo Publishing, Inc. D/B/A *Seven Days* (“Plaintiffs”), and Defendants Patricia Gabel, in her official capacity as the State Court Administrator of the Supreme Court of the State of Vermont; Amanda Stites, in her official capacity as Clerk of Court for Addison, Bennington, and Rutland Counties; Margaret Villeneuve, in her official capacity as Clerk of Court for Caledonia, Essex, Orleans, and Washington Counties; Christine Brock, in her official capacity as Clerk of Court for Chittenden County; Gaye Paquette, in her official capacity as Clerk of Court for Franklin, Grand Isle, and Lamoille Counties; and Anne Damone, in her official capacity as Clerk of Court for Orange, Windham, and Windsor Counties (“Defendants”) (collectively, the “Parties”), and provide the following joint status report and request for a 60-day stay of further proceedings on remand.

BACKGROUND

On April 9, 2025, the Parties filed a Joint Status Report and Request for Stay (“Motion”) in which they requested that the Court stay any further district court proceedings until 30 days after mandate issues from the Second Circuit to allow the Parties time and opportunity to confer over the terms of a proposed stipulated injunction that, if reached, could avoid the need for further district court proceedings. Dkt. 75. The Parties agreed to file a joint status report on or before the 30th day after mandate issues that would advise the Court of the Parties’ efforts to resolve the remaining issues in this case, which included both a new injunction and Courthouse

News' claim for district court costs and attorneys' fees. *Id.* The Court granted the Motion that same day, April 9, 2025. Dkt. 76.

On April 15, 2025, the Second Circuit granted Courthouse News's motion for an order determining that it is entitled to an award of attorneys' fees incurred in connection with the appeal in this case, and for a referral to the district court to determine a reasonable amount. Order, Case No. 21-3098, Dkt. 167 (2d Cir. Apr. 15, 2025).

The Second Circuit issued mandate in this action on May 6, 2025. Dkt. 78.

The matters currently pending before this Court to be addressed on remand include: (1) the determination and entry of a new injunction, including "the parties' submissions addressed to the terms of the new injunction," Dkt. 78-1, at 47; (2) determination of Courthouse News' award of attorneys' fees and costs incurred in connection with the district court litigation, including the pending motion for fees and costs, Dkt. 67, and subsequently-incurred district court fees and costs; and (3) determination of the amount of appellate fees and costs.

The current stay of proceedings in this case is set to expire on June 5, 2025. Dkt. 75, 76.

MOTION FOR FURTHER STAY OF PROCEEDINGS

The Parties have conferred, and continue to confer, regarding the terms of a potential new injunction, as well as Courthouse News' claim for district court and appellate fees and costs. Defendants have new counsel, Dkt. 77, with whom Plaintiffs' counsel is now conferring. The Parties, through counsel, are in the early stages of their discussions and have not yet reached agreement as to any of the matters on which they are conferring. Accordingly, they will require additional time to see if any agreements can be reached.

The Parties continue to agree that the interests of both parties and judicial economy would be served if they could agree to the terms of a new injunction, and/or the amount of

Courthouse News' fee award, thereby avoiding or limiting the need for further district court proceedings. The Parties therefore request that the Court extend the stay of any further proceedings for an additional 60 days, or to August 4, 2025.

The Parties agree to file a joint status report on or before August 4, 2025, that will advise the Court of the Parties' efforts to resolve the remaining issues in this case without the need for further court proceedings, including with respect to both the new injunction and amended judgment, and Courthouse News' claim for district court and appellate fees and costs.

Respectfully submitted,

Dated: May 29, 2025

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